

Remarks

In response to the Office Action dated August 09, 2007, Applicant respectfully thanks the Examiner for his interest in the subject matter and the indication of allowance. Applicant respectfully submits that the claims as presented are in condition for allowance.

Interview Summary

A telephone interview was conducted on September 7, 2007 between the undersigned for the Applicant and Examiner Cuff. During the interview it was discussed that any paragraph references to the disclosure were made in reference to the published application and not the specification as filed as the paragraph numbers are offset by two. It was further discussed that a §132 declaration was not required by the Examiner and that answers may be made without oath/declaration in a normal response by the undersigned.

1.105 Requirement

The Examiner has issued an information requirement under 35 CFR §1.105 requesting copies of various publications that may have been relied upon to develop the disclosed subject matter that describes the Applicant's invention, particularly as to developing specific transmitter/receiver features such as "designated wavelength specific to the business", a "receiving area comprising a pre-set limited area" and a predetermined radius within a signal strength range". Applicant indicates that he did not rely on any particular publication(s) to develop the subject matter of his invention.

The Examiner has also posed several questions that are addressed seriatim below:

Is the transmitter/receiver system component within Applicant's invention novel in itself or can a transmitter/receiver system be obtained "off-the-shelf"?

Applicant indicates that at the time of filing, the transmitter/receiver component of his invention could have been acquired off-the-shelf and modified to operate according to the embodiments described in the specification. Of course, recent improvements in

radio technology would also be perfectly acceptable as well and were contemplated to be within the scope of his specification at the time of conception. Applicant also notes that custom designed transmitters including various features described in the specification could also have been constructed by those of ordinary skill in the art after reading his disclosure.

Paragraph [19] of Applicant's disclosure states that a Personal Digital Assistant ("PDA") can be a transmitter. Paragraph [20] discusses stand-alone transmitters which have the designated wavelengths. It is not clear how claim 2 can recite that the transmitter is a PDA when claim 1 restricted the device to a designated wavelength?

Applicant respectfully points out that claim 1 recites, in pertinent part: “[a] method of sending a remote order by a customer to a business...the signal comprising at least one designated wavelength specific to the business...” The “at least one designated wavelength” language indicates that there may be more than one wavelength generated by the transmitter. Therefore, claim 1 is not restricting the transmitting signal to a single designated wavelength.

Further, Claim 2 recites that the transmitter is a personal data assistant. A PDA is a feature describing a PDA as being a transmitter and is not a limitation on the number of wavelengths being transmitted by the PDA. Claim 2 is not limiting a PDA to sending signals with a limited number of wavelengths. As such, claims 1 and 2 are consistent and are supported by the specification.

Paragraphs [22] and [24] provide multiple alternative embodiment features such as, being integrated into a vehicle panel, being portable devices, being integrated into other electronics, and incorporating relays to vary distances between the transmitter and receiver. Elaborate on what features are limited or not limited to certain embodiments.

Applicant respectfully points out that the features indicated are not necessarily limited to any particular embodiment and may be included by a system designer as may fulfill a technical or a marketing demand.

Conclusion

Claims 1-34 are pending. Claims 26 and 31-34 have been previously cancelled without prejudice or disclaimer. No claims have been amended. Applicants request that a Notice of Allowability be provided. Should the Examiner have any questions, please contact the undersigned.

No fees are believed due. However, please charge any additional fees or credit any overpayment to Deposit Account No. 50-3025.

Respectfully submitted,

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